IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 14887 of 2004

Between:

S.N.P.Singh

..... PETITIONER

AND

The Senior Commandant,

Central Industrial Security Force,
Ministry of Home Affairs, CISF Unit,

NFC, ECIL Post, Hyderabad

.....RESPONDENT

ORDER:

The petitioner, while in service of Central Industrial Security Force (CISF), basing on the report of Regional Medical Board, Gandhi Hospital, Hyderabad, the respondent issued proceedings No.E-38016/CISF/NFC/ADM.III/04/4268, dated 22.07.2004 stating that he is completely and permanently incapacitated for further service in CISF. Consequently, he was discharged from service and was compulsorily retired on medical grounds subject to certain conditions mentioned in the impugned proceedings dated 19.08.2004. The said impugned order is challenged mainly on the ground that as per the provisions of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the petitioner is entitled for being accommodated in any alternative post.

The learned standing counsel for the Central Government has produced before this Court a notification dated 10.09.2002 issued by the Ministry of Social Justice & Empowerment, Government of India, which read as under:

NOTIFICATION

> S.O.: In exercise of the powers conferred by proviso to Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) the Central Government having regard to the type of work carried on hereby exempt all categories of posts of "combatant personnel" only of the Central Para Military Forces (CPM's) namely, Central Reserve Police Force (CRPF), Border Security Force (BSF), Indo-Tibetan Border Police (ITBP), Central Industrial Security Force(CISF) and Assam Rifles from the provisions of the said section.

In view of the above, the question of continuing the petitioner in service in any alternative post by invoking the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, does not arise. The writ petition is devoid of merits and is liable to be dismissed and is accordingly dismissed. However, the petitioner is not precluded from making a representation

seeking benefits admissible for such like personnel in the CISF. If any such representation is made, the same may be considered as per law. No order as to costs.

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K.C. BHANU,J

Dated: 23.08.2005

Dsr